



# Community Board 7

## Borough of Queens

Auburndale, Bay Terrace, Beechhurst, Clearview, College Point, Downtown Flushing, East Flushing, Flushing, Malba, Murray Hill, Queensborough Hill, Whitestone, Linden Hill, and Willets Point

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Donovan Richards, Jr.

*Queens Borough President*

Eugene T. Kelty Jr.

*Chairperson*

Marilyn McAndrews

*District Manager*

### COMMUNITY BOARD #7 PUBLIC HEARING & REGULAR MEETING

MONDAY, September 12, 2022

AUDIO AND VIDEO TELECONFERENCE

#### PRESENT

Charles Apelian  
James Cervino  
Kaily Cheng  
Michael Cheng  
Kim Cody  
Nicholas Corrado  
Arlene Fleishman  
Richard Forman  
Fred Fu  
Doreen Gatanas  
Vincent Gianelli  
Pablo Hernandez  
Cody Herrmann  
Lawrence Hughes

Eugene Kelty  
Phil Konigsberg  
Wensong Li  
Wendy Louie  
Frank Macchio  
Betsy Mak  
Rev. Richard McEachern  
Barbara McHugh  
Michelle Miao  
Selma Moses  
Sergio Nicolich  
Millicent O'Meally  
Terrance Park  
Yacov Pshtisky

Frank Quatela  
Kris Ram  
Paul Rifino  
Kevin Shields  
Warren Schreiber  
Josh Sussman  
Joseph Sweeney  
John Tsavalos  
Harpreet Wahan  
Clarissa Wong  
Maggie Wong  
Dian Yu  
Linna Yu  
Lei Zhao

#### ABSENT

\* Derick Fang  
Jeff Huang  
\* Esther Lee  
John Park

Matthew Silverstein  
\* Saleem Syed  
\* Peter Tu  
Jie Zhu

#### **\* Excused**

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#### COMMUNITY BOARD #7 STAFF

Marilyn McAndrews, District Manager  
Mary O'Neill, Community Coordinator  
Anne Krzyzanowski, Community Assistant

#### GUESTS

Susan Liu - Congresswoman Meng's office  
Mabel Tso - Congresswoman Ocasio-Cortez's office  
Ashley Lin - State Senator Liu's office  
Howard Wong - Assemblywoman Rozic's office  
Susanne Monteverdi - Assemblyman Braunstein's office

Alie Ziraschi - Councilwoman Paladino's office  
Xin Wu - Councilwoman Ung's office  
Elisabeth Bian - Queens District Attorney's office  
Max Weprin - Queens Borough President's office



question is whether to permit them to exceed the height restriction near the airport. The applicant supplied a “Determination of No Hazzard” letter to the FAA from the PA NY & NJ.

**Elyse Foladare:** Zoning District is R6 C2-2. Six-story as of right development on Lot 120 (134-16 35<sup>th</sup> Avenue) and 12-story mixed use development on adjacent lot 55 (135-25 Northern Boulevard). A portion of this development seeking a special permit to exceed the maximum height permitted in the vicinity of a major airport. We have both Port Authority of NY & NJ and FAA approval determination for this building. The site goes from Northern Boulevard to 35<sup>th</sup> Avenue, between Prince & Farrington Streets. This building maximum height allowed 145 ft and this building’s proposed height is 143.9 ft. At the June meeting we presented the documents showing the legal sub-division of the lot. We only need approval for the 12-story building not the 6-story. This building will have 69 residential units with a community facility on the second floor & commercial space on the first floor. The building is requoted to have 50 parking spaces, but it will have 100 parking spaces.

**Charles Apelian:** I am not clear on why this lot is subdivided and that is it in compliance with regulations. Shouldn’t this be one zone lot? I am concerned that this does not become a self-imposed hardship.

**Elyse Foladare:** Everything we are building is as-of-right. The RP6-02 and the filing for the two separate tax lots was approved. This is now two separate lots. Everything we are building is as-of-right. We are not asking for any wavers.

**Charles Apelian:** Why were the lots divided?

**Elyse Foladare:** The other lot has a different owner. It is not part of this application.

**Charles Apelian:** Why was this filed as one tax lot?

**Elyse Foladare:** The lots were not separated when this was filed originally.

**Charles Apelian:** I have no problem with the height. Why was this done with two lots when one has nothing to do with the other. I am still suspicious as to why this application was originally filed with two lots.

**Frank Quatela:** Is there a sub-division filed with the DOB?

**Elyse Foladare:** Yes.

**Steven - Architect:** This was one tax lot. It was sub-divided. I own this lot and the other lot has a different owner.

**Charles Apelian:** I am still puzzled. The other lot is not part of this application, but it is included.

**Steven:** The other lot is not part of this application. We are proposing a one zoning lot. The other lot is an existing 2-story building.

**Elyse Foladare:** We forgot to mention that the other lot will be changed to a two-story from a six-story. They changed the plan. We are not filling with the BSA for it now.

**Frank Quatela:** Technically, you are doing a zoning lot declaration. Borrowing air-rights from one and putting it in the other one.

**Steven, building owner:** Correct. The lot on Northern Boulevard is giving air rights to the lot on 35<sup>th</sup> Avenue.

**Charles Apelian:** That can’t be right. The building on 35<sup>th</sup> Avenue is small.

**Frank Quatela:** Where is the new building application filed?

**Steven, building owner:** Filed under DOB NOW for tax lot 120.

**Elyse Foladare:** This is two tax lots and one zoning lot.

**Millicent O’Meally:** Is there a picture of what the building will look like?

*They put up a slide of the BSA submission design showing 12 stories.*

**Charles Apelian:** What will the other building look like?

**Elyse Foladare:** We don’t have a picture because we are not asking for a waiver for it.

**Lei Zhao:** I don’t see that the buildings are connected. Does that mean that the other building’s entrance will be on Northern Boulevard?

**Elyse Foladare:** That is correct.

**Lei Zhao:** What is the use for the other building?

**Steven:** The existing use is commercial. We will only do interior renovations on the building on Northern Boulevard.

**Frank Quatela:** Is it now a 2-story instead of the proposed 6-story?

**Steven, building owner:** It will be a two-story building.

**Lei Zhao:** Many of the Board Members have questions because this is a separate tax lot and one zoning lot and we don't know what is going on at the other building.

**Charles Apelian:** I am confused. Is it a 6-story or a 2-story building? These were both as-of-right. I didn't know there were 2 tax lots and one zoning lot for the purpose of air-right shifting. It seems that there are changes weekly on this project.

**Frank Quatela:** I don't see the filings for the new building

**Steven, building owner:** This is filed as an alteration.

**Frank Quatela:** I see on the web, it is filed as an alteration to a two-story building. The building on Northern Boulevard will be demolished and a two-story will be built. The air-rights from the building on Northern Boulevard will be transferred to the one on 35<sup>th</sup> Avenue.

**Steven, building owner:** On Northern Boulevard is a two-story building.

**Frank Quatela:** I don't see a subdivision application filed with DOB. They are utilizing the development rights simultaneously, as opposed to separately, with this zoning lot declaration.

**Charles Apelian:** Their plans don't show that. The plans should only show 35th Avenue.

**Steven:** The subdivision will go through the normal process to finalize this, and we will have two tax lots.

**Charles Apelian:** I have no problem with what you are doing. You showed us an application of a six-story building and showed us plans of a 2-story building and then told us the plans were not revised. You are showing the entire zoning lot.

**Elyse Foladare:** BSA wants to see the entire zoning lot.

**Charles Apelian:** The plans are not accurate.

**Elyse Foladare:** The plans were changed recently.

**Charles Apelian:** That wasn't presented to us. This should have been a simple height application.

**Yacov Pshtissky:** If we approve this, will there be an implication or associated with another building after this?

**Lei Zhao:** The proposal is only for 134-16 35<sup>th</sup> Avenue. However, we vote on this, it will only be for this building, not the one on Northern Boulevard. The proposal does not have the most current facts. We need more information about the transfer of air-rights. We need to know how the air-rights were transferred so that when this lot comes up again, we'll know what happened.

**Charles Apelian:** I would like a proper set of plans. They might decide to change the building height later. I don't like that they changed the plans since June.

**Eugene Kelty:** Is there a time frame on this?

**Charles Apelian:** We can send a letter to BSA telling them we have concerns and want a continuance on this.

**Elyse Foladare:** BSA will be a hearing on this tomorrow.

**Frank Quatela:** How much air-right were taken from the Northern Boulevard site and transferred to the 35 Avenue site that allowed them to go to this height?

**Charles Apelian:** I'll send an e-mail tonight to the BSA expressing our concerns.

**Charles Apelian:** I make the motion to table this.

**Lei Zhao:** I'll accept the motion to table, and I would like to have the updated plans emailed to the Board.

**Elyse Foladare:** Is there any way you could vote today and put the conditions in your vote?

**Eugene Kelty:** No, this was a sloppy presentation with incorrect plans.

**Chairman Kelty:** Then we will not take the vote tonight.

**42 – In favor**  
**0 – Against**

**0 – Abstention**  
**0 – No vote**

**8 – Absent**

**Chairman Kelty:** The motion carries to table.

- 3. 37-16 Union Street. Flushing – 2021-87-BZ: Applicant seeks a permit within the C4-3 zoning district, the construction of a 14-story mixed use commercial and community facility building which exceeds the maximum height limits around airport contrary to ZR 61-21.**

**Chaired by Charles Apelian, Land Use Committee Chair**

**Charles Apelian:** The applicant has submitted their paperwork with approval from FAA and PA NY & NJ. We had an informal discussion, and this did not go to committee.

**Elyse Foladare:** July 2010 the Board granted an application to permit the construction of a 14-story mixed use residential, commercial and community facility building. December 2019 the FAA concluded that the proposed building would not constitute a hazard. Determination was extended 8/25/21 and will expire 1/16/23.

**Charles Apelian:** The prior BSA application was more than 12 years ago. What happened?

**Elyse Foladare:** The building at 37-08 Union Street was issued a final C of O June 30, 2016.

**Charles Apelian:** That is not this building.

**Albert & Jake Shirian of ZL MACEDONIA, LLC & NY Lions Group:** They share a zoning lot. This is for the entire lot.

**Charles Apelian:** Macedonia Plaza was approved 2010. It is on the corner, part of Flushing Commons. The C of O that was issued 2016 was for Macedonia Plaza and not for this property. This is the site of the former Macedonia Church. Is there any air-right shift since this is on one lot with another building?

**Albert & Jake Shirian:** There are no air-rights shifts.

**Charles Apelian:** Just to be clear, this building will be self-standing, one zoning & one tax lot?

**Albert & Jake Shirian:** Yes

**Cody Herrmann:** Did the AME church transfer air-rights to the Macedonia Church in 2012?

**Rev. McEachern:** The Macedonia Church took the housing air-rights and gave it to the Plaza. With this project we transferred the commercial air-rights to the Church side.

**Charles Apelian:** You are making it sound as if there are three sites.

**Rev. McEachern:** No, the residential air-right transferred from this site to the Plaza and commercial air-rights from the Plaza were given to this site.

**Charles Apelian:** Is there any residential space here?

**Rev. McEachern:** No.

**Lei Zhao:** I just want to make sure we have the letters from the FAA & PA NY&NJ on record?

**Charles Apelian:** Yes

**Lei Zhao:** Will this be a completely commercial building?

**Charles Apelian:** The Church will be part of this building.

**Rev. McEachern:** The church will occupy part of the first floor, second and third floors.

**Chairman Kelty:** Will there be public parking for the residents and for the public.

**Charles Apelian:** Is there a waiver required for parking?

**Albert & Jake Shirian:** 108 spaces are required, and we will have 108 spaces. No waiver is required.

**Rev. McEachern:** There will be parking for the people going to church, this is included in the 108 spaces.

**Millicent O’Meally:** What will the other stories be used for?

**Albert & Jake Shirian:** It will be a mix of professional & medical offices.

**Betsy Mak:** Many years ago, EDC required that the developer should have affordable housing, which they have on one side of the lot. I was wondering if there are any restrictions implemented at the time, that if the church was demolished did this require them to build affordable housing at this site?

**Charles Apelian:** The arrangement was made that the entire block of Flushing Commons, from 137 Street to Union Street and from 37th to 39th Avenues, was rezoned to C4-4. A parcel was carved out of the corner and deeded to Macedonia Church, of which a corner was the affordable housing component that was required as part of the rezoning and part of the approval of the Flushing Commons Project. There were no further restrictions on the rest of the lot. The only requirement was to build Macedonia Plaza.

**Charles Apelian:** The PA NY& NJ an FAA approval letters were submitted to the Board. We did not have a committee meeting. I am making the motion on the floor for approval.

Seconded by Frank Quatela.

**Cody Herrmann:** With the overdevelopment in Flushing and the amount of tall buildings, condos and office spaces that we have coming into the neighborhood, I think that it’s unfortunate where we could have had this historic Church on the site. That lot was sold for \$12 million. The developers just get to apply for more development rights. We have had some BSA hearings in the past where people were put-off by the influx of tall buildings coming into Flushing.

**Charles Apelian:** There are no increased development rights on this lot. There is no increase in the FAR on this lot.

**Rev. McEachern:** The Macedonia Church has been here for many, many centuries. Things like cannot be done anywhere else in Queens. I think this works where we are. The building was in bad shape, it was costing the Church a lot of money just to heat it in the winter. When it rained water come in from all sides. It got to a point where we had to decide to do something. The Church could not afford to develop on its own. While we were doing Macedonia Plaza, we were trying to come up with what we could build. It was just too expensive. We decided to redevelop where we are. It made sense to partner with a developer to build this building. Where we are is part of Flushing Commons concept. We tried not to be a hardship on the community. I told the developer that parking is important. Macedonia is coming back. I made the commitment to the board and to the Church. I think this will be a great asset to the community.

**Cody Herrmann:** I just wanted to remind everyone of the history of the site. The area around the Macedonia Church was a historically built black & brown enclave in downtown Flushing. Those people got pushed out through urban renewal. Robert Moses decided to put the public parking lot on this site and kicked the people out of their homes. I think that it’s so sad that 50 years later, again the people who were in that place are forced to partner with developers just to stay in the community, instead of just being allowed to stay in a place and have the resources. It’s such an argument for reparations. When you look at the history of the site, I think it’s heartbreaking and puts the community in a tough situation.

**Nicholas Corrado:** We don’t want these tall buildings. Many of you don’t agree with me and I respect your opinions. Flushing is unrecognizable and anytime I can say “no” to these tall building developers, I will say “no”. This is from my heart. I am an officer at the Fire department. If there is an accident my people in the fire department will have to respond.

**Warren Schreiber:** I agree with Nick. When the planes fly overhead, doesn’t the sound amplify because it is bouncing off the buildings? When do we say enough is enough?

**Charles Apelian:** This is an administrative procedure and the BSA looks at it that way. They listen to everyone’s input. We are not giving them a variance, or additional height. The zoning was formed so that a height level was created.

**Pablo Hernandez:** I agree with Warren & Nick. That lot has not developed fully. The west side of the lot has not been developed. It could be fully developed with high buildings.

**Arlene Fleishman:** It seems that every issue we have has something to do with height. As a community Board we should have some say as to what we want in our community and what we don't want is tall buildings.

**Lei Zhao:** Thank you for everyone's opinion. Why did they up-zone this area? Flushing is a major transit hub and that is why developers and the City want this to be zoned the way it is now. If we wanted to change the zoning, we should work with the council members.

**Millicent O'Meally:** This building will house a Church that has been in the community for well over 200 years. We do not want to say "no" to something that will have the Church. The Church will have a portion of a building because they could not afford their building.

**Chairman Kelty:** I heard what everyone said. What Chuck said is that we should change the law. Just voting "no" on this makes no statement when the law is in place. Building has the approval, and it meets the requirements.

**34 – In favor**  
**7 – Against**

**1 – Abstention**  
**0 – No vote**

**8 – Absent**

The motion Carries:

#### **Community input on Capital & Expense Preliminary Budget – FY 2024**

We will have a committee meeting about the community's budget priorities. It has to be finalized and submitted by October 31st.

**Harpreet Wahan:** We should include lighting for the Interfaith Meditation Garden and other lighting in Kissena Corridor Park in the budget. This will make the area safer.

#### **Public Participation**

**Phil Konigsberg:** I am against congestion pricing and asking everyone to contact their elected officials about this issue. Mass transit is not safe. People do not want to give up their cars. I want to thank the Board office. They were influential to get the double yellow lane marking on Willets Point and at the Cross Island Parkway on the service road between Bell Boulevard and Utopia Parkway.

**Warren Schreiber:** There is a new Intro in the City Council which would ban landlords from doing criminal background checks on tenants. I believe that residents have a right to know who lives next door to them.

**Irene Prestigiaco, (resident):** I would like to address the issue about the Willets Point streets, they are terrible. Traffic is a nightmare in that area. Thank you for the budget committee on your work on this

**Kevin Shields:** There is a private company that is using NYC Parks to run private catering event. They do not have permits.

**Sergio Nicolich:** There have been a lot of mailbox theft recently. Before using a mailbox check if it has anything sticky at the mail-slot.

**Meeting ended: 09:45 PM**

**Respectfully Submitted**

**Anne Krzyzanowski,**  
**Community Assistant**